

MBC
DM
MED (Rev. 03/11) Prisoner Civil Rights Complaint

Official Use Only

Case Number

Judge

Case: 2:19-cv-11106

Judge: Tarnow, Arthur J.

MJ: Grand, David R.

Filed: 04-16-2019 At 02:42 PM

CMP HARPER JR. v UNKNOWN ARKESTEYN,
ET AL (dat)

PRISONER CIVIL RIGHTS COMPLAINT

This form is for use by state prisoners filing under 42 U.S.C. § 1983 and federal prisoners filing pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

Plaintiff's Information

Name

Willie E. Harper Jr.

Prisoner No.

932428

Place of Confinement

Bellamy Creek Correctional Facility

Street

1727 West Bluewater

City

Ionia

State

MI

Zip Code

48846

Are there additional plaintiffs?

☒ Yes☐ No

If yes, any additional plaintiffs to this action should be listed on a separate 8½" x 11" sheet of paper and securely attached to the back of this complaint. You must provide names, prisoner numbers and addresses for all plaintiffs.

Defendant's Information

Name

Unknown Arkesteyn

Position

Mental Health Practitioner

Street/P.O. Box

2500 South Sheridan Rd.

City

Muskegon

State

MI

Zip Code

49442

Are you suing this defendant in his/her:

☐ Personal Capacity☐ Official Capacity☒ Both Capacities

Are you suing more than one defendant?

☒ Yes☐ No

If yes, any additional defendants to this action should be listed on a separate 8½" x 11" sheet of paper and securely attached to the back of this complaint. You must provide their names, positions, current addresses and the capacity (personal, official or both) in which you are suing them.

MIED (Rev. 03/11) Prisoner Civil Rights Complaint

I. PREVIOUS LAWSUITS

Have you filed any other lawsuits in state or federal court relating to your imprisonment?

☒ Yes ☐ No

If "Yes," complete the following section. If "No," proceed to Part II.

Please list all prior civil actions or appeals that you have filed in federal court while you have been incarcerated.

Docket or Case Number:	2:15-cv-134
Name of Court:	United States District Court Western District
Parties (Caption or Name of Case):	Harper vs. Unknown Pauley
Disposition:	Failure to state a claim

Docket or Case Number:
Name of Court:
Parties (Caption or Name of Case):
Disposition:

Docket or Case Number:
Name of Court:
Parties (Caption or Name of Case):
Disposition:

Any additional civil actions should be listed on a separate sheet of 8½" x11" paper and securely attached to the back of this complaint.

MIED (Rev. 03/11) Prisoner Civil Rights Complaint

II. STATEMENT OF FACTS

State here, as briefly as possible, the facts of your case. Describe how each defendant is involved. Include the names of other people, dates and places involved in the incident. Do not give any legal arguments or cite any cases or statutes.

SEE Attachment

III. STATEMENT OF CLAIMS

State what rights under the Constitution, laws, or treaties of the United States have been violated, and be specific. Set forth each claim in a separate paragraph. If you intend to allege several related claims, number and set forth each claim on a separate 8½" x 11" sheet of paper and securely attach the papers to the back of this complaint.

SEE Attachment

IV. RELIEF

State briefly and exactly what you want the Court to do for you.

SEE Attachment

Executed (signed) on April 8, 2019 (date).

3000 Co. Hays Z
Signature of Plaintiff

Unknown Foster - Mental Health Practitioner
Muskegon Correctional Facility
2500 South Sheridan Road
Muskegon, Michigan 49442
Suing in both capacities

Unknown Stevenson - Mental Health Practitioner
Muskegon Correctional Facility
2500 South Sheridan Road
Muskegon, Michigan 49442
Suing in both capacities

Unknown Egbuchulum - Classification Director
Charles Egler Reception + Guidance Center
3855 Cooper Street
Jackson, Michigan 49201
Suing in both capacities

Unknown Thompson - Resident Unit Manager
Bellamy Creek Correctional Facility
1727 West Bluewater Highway
Ionia, Michigan 48846
Suing in both capacities

I declare that the statements above
are true to the best of my information,
knowledge, and belief.

Shelia L. Hargan

Plaintiff says:

Plaintiff Willie E. Harper Jr is now and at all times relevant to this complaint has been, a state prisoner in the custody of the Michigan Department OF Corrections and confined at Bellamy Creek Correctional Facility.

Jurisdiction

Jurisdiction is invoked pursuant to MCL 600.605, 611, 631, MCR 2.605, MCR 3.305, and 42 U.S.C. 1983 which provides redress for the deprivation under color of state law of rights; privileges, and immunities secured to all citizens and persons within the jurisdiction of the United States by the Constitution and laws of the United States

Statement Of Facts

1. While Plaintiff HARPER was incarcerated at Muskegan Correctional Facility, Plaintiff Harper filed a grievance against Mental Health Practitioners Unknown Arkesteyn, Unknown

Foster for inappropriately assessing him as a sex offender on April 13, 2018;

2. Plaintiff Harper was reviewed at Step I by Unknown Stevenson Mental Health Practitioner on or about April 28, 2018. Plaintiff Harper's grievance was denied at Step I. Plaintiff Harper appealed Unknown Stevenson's Mental Health Practitioner's decision at Step II and his appeal was denied by Tom Osier, M.A. Assistant Mental Health Service Director on May 28, 2018;

3. On June 5, 2018 Plaintiff Harper was transferred from Muskegon Correctional Facility to Bellamy Creek Correctional Facility. Plaintiff Harper alleges that he was transferred out of retaliation for filing a grievance against Mental Health Practitioners Unknown Arkesteyn, and Unknown Foster to Bellamy Creek Correctional Facility under the guise of the Michigan Sex Offender Program (MSOP).

4. Plaintiff Harper appealed the decision at Step III with the Ombudsman Grievance Section Office of Legal Affairs on June 11, 2018. Plaintiff's appeal was denied by Unknown Harbaugh, RN Bureau of Health Services on Oct 12, 2018 and mailed by Richard D. Russell, Manager, Grievance Section Office of Legal Affairs on Oct 19, 2018. (SEE Exhibit A)

5. While waiting on a response, Plaintiff Harper filed a motion to correct his Pre Sentence Investigation Report (PSIR) on July 6, 2018 to be amended in the Third District Court of Wayne County to reflect the charge of First Degree Home Invasion which he was convicted of. Plaintiff Harper's motion was sent back to him by Honorable Judge Bruce U. Morrow, Third Circuit Judge stating that Plaintiff motion lack specific claims on September 4, 2018. (SEE Exhibit B)

6. On September 18, 2018 Plaintiff Harper filed a Renewed Motion
(3)

to correct Pre Sentence Investigation Report (PSIR) on the Third District Court of Wayne County. Plaintiff's Harper motion was denied by Honorable Judge Bruce U. Morrow on December 7, 2018. (SEE Exhibit C)

7. On November 4, 2018 Plaintiff filed a grievance against Unknown Thompson, for defamation when she labeled Plaintiff Harper as a sex offender. On November 11, 2018 Plaintiff Harper's grievance was denied at Step I by Unknown Wright Resident Unit Manager (RUM). Plaintiff Harper received the response on December 7, 2018. Plaintiff Harper appealed Unknown Wright's decision on December 17, 2018 and his appeal was denied at Step II by Warden Trierweiler on January 3, 2019. Plaintiff Harper appealed Warden Trierweiler decision with the Ombudsman Office of Legal Affairs on January 7, 2019. The Ombudsman declined to investigate his complaint. (SEE Exhibit D)

8. On February 7, 2019, Plaintiff Harper filed an appeal in the Court of Appeals contesting Honorable Judge Bruce U. Morrow, Third Circuit Court Judge of Wayne County decision not to correct Plaintiff's Pre Sentence Investigation Report (PSIR). Plaintiff Harper is now awaiting a decision from the Court of Appeal which can take several months. Lower Court number 17-007857-01-FH, Court of Appeals number 347623. (SEE Exhibit E)

9. Statement of Claims

9. Classification Director Unknown Egbuchulum wrongfully classified Plaintiff Willie E. Harper Jr as a sex offender under U.S.C. § 402(c), 28 C.F.R. § 571.72 (A)(1) violations of due process, double jeopardy under United States Constitution Amendments Fifth, Eighth, and the Fourteenth Amendment right of Procedural Due Process

10. Mental Health Practitioners Unknown Arkesteyn, Unknown Foster, Unknown Stevenson violated Plaintiff's First Amendment right of the United States

Constitution to pursue redress of grievances, Eighth Amendment right against cruel and unusual punishment, Fifth Amendment right of Procedural Due Process.

11. Unknown Thompson Unit 6 Area Resident Supervisor (ARUS) KNEW or REASONABLY SHOULD HAVE KNOWN THAT THE DEFAMATORY STATEMENT SHE MADE TOWARDS PLAINTIFF HARPER WAS WITH MALICIOUS WILLFUL INTENTION, DEROGATORY, DEMEANING, HUMILIATING, AND DEGRADING BY LABELING PLAINTIFF HARPER AS A SEX OFFENDER. Thus violating Michigan Department OF Corrections Policy Directive 03.03.130 Humane Treatment And Living Conditions, Policy Directive 02.03.107 Code OF Ethics AS WELL AS FEDERAL CRIMINAL LAW. Deprivation WAS COMMITTED BY UNKNOWN THOMPSON WHO KNEW THE ACTION SHE TOOK WITHIN THE SPHERE OF HER OFFICIAL RESPONSIBILITY WOULD VIOLATE PLAINTIFF HARPER constitutional rights.

DEFAMATION is that which tends to injure "reputation" in the popular sense, to diminish the ESTEEM, respect, good-

will or confidence in which the plaintiff is held, or to excite adverse, derogatory or unpleasant feelings or disgrace.

12. Defendants Unknown Arkesteyn, Unknown Foster, Unknown Stevenson, Unknown Egbuchulum acting under color of state law, acting individually, and in concert transferred Plaintiff out of retaliation to Bellamy Creek Correctional Facility under the guise of the Michigan Sex Offender Program (MSOP) for involuntary psychiatric treatment for sexual treatment for sexual deviant behavior thus violating Plaintiff Harper's rights and guarantees provided by the United States Constitution as follows:

A. The guarantee to pursue redress of grievances U.S. Const. AM I;

B. The guarantee against cruel and unusual punishment U.S. Const. AM VIII;

C. The guarantee against denial of due process U.S. Const. AM V and XIV.
Mich Const. Art 1, § 2. 17

D. The guarantee against denial of Equal protection of the law, U.S. Const, AM XIV, Mich Const. Art 1, § 2

13. The stigmatizing consequences of a transfer to another prison as a sex offender for involuntary psychiatric treatment coupled with subjection to mandatory behavior modification as a treatment for sexual deviancy constitutes deprivation of liberty that requires procedural protections under the due process clause.

14. The Michigan Sex Offender Program (MSOP) is not within Plaintiff Harper's imposed sentence since he is incarcerated for committing First Degree Home Invasion and not for committing a sexual offense. Nor has Plaintiff Harper been accused of sexual wrongdoing while incarcerated in the correctional facility. In turn compelled treatment, i.e. sex offender therapy changes the condition of Plaintiff Harper's sentence and accordingly constitutes a loss of liberty that exceeds Plaintiff Harper loss of freedom from confinement.

15. Plaintiff Harper first claims he was wrongfully classified as a sex offender in prison without being convicted of any sex crime. The classification as a sex offender violates Plaintiff Harper's process rights because he was labeled a sex offender. Sex offenders are treated differently in prison.

16. Plaintiff Harper contends the classification violates his rights against self incrimination because he will be forced to admit past behavior in sex offense classes.

17. Plaintiff Harper also contends his classification will improperly subject him to Michigan Notification Act after release from prison. As a consequence of being classified as a sex offender, Plaintiff Harper is ineligible for minimum custody classification. Prisoners in minimum custody are eligible for certain work release programs and community custody programs.

18. Plaintiff Harper also contends a result of being classified as a sex of-

further he must participate in the Michigan Sex Offender Program (MSOP) as a prerequisite for parole eligibility. Plaintiff Harper contends this requirement violates his constitutional rights and has declined to participate in the program.

19. Moreover, Plaintiff Harper contends his classification as a sex offender imposes a stigma that amounts to a significant hardship to ordinary incidents of prison life. Plaintiff Harper contends he received neither notice or an opportunity to be heard prior to being classified as a sex offender.

20. Third, Plaintiff Harper contends Mental Health Service Practitioners Unknown Arkesteyn, Unknown Foster, Unknown Stevenson, inappropriately assessed him as a sex offender without evaluating him prior to being labeled a sex offender. Plaintiff Harper who has never been convicted of a sex offender is entitled to procedure due process before being labeled and

classified as a sex offender by custodial officials

21. There are multiple routes by which Plaintiff Harper may find himself in the branded class. Michigan Department of Corrections Mental Health Service have classified prisoners as sexual offenders in cases when the inmate was once arrested or charged with a sexual offense, only to have the case dismissed; or was originally charged with a non sexual offense, and in some cases the prisoner was acquitted. In the Michigan Department of Corrections Mental Health Services view, the underlying facts of an entirely non sexual conviction included a "sexual" component. These classifications may be security measures but they can't be disciplinary ones.

22. Plaintiff Harper have not been accused of sexual wrongdoing while in the correctional facility. Rather, the Michigan Department of Corrections Mental Health Practitioners have based their inferences outside the corrections

(11)

institution such as police reports, sentencing documents, or other records that may indicate to prison official that Plaintiff Harper escaped a conviction for sexual assault through for example, a savvy plea bargain or poor prosecutorial charging decisions. Such external evidence can be quite compelling, Michigan Department OF Mental Health Service justification ~~for~~ ~~their~~ ~~decisions~~ ARE less persuasive.

23. Pursuant to MCL 600.4431, MSA 27 A.4331 which provides that damages and cost may be awarded in an action to Plaintiff.

Relief

Wherefore Plaintiff Willie E. Harper Jr. request the following relief:

A) Issue a declaratory judgement determining Plaintiff Harper's classification as a sex offender to be violative of his rights under the United States Constitution, 42 U.S.C. § 1983 and the Michigan Constitution of 1963;

B) That by appropriate order, the Court order Michigan Department of Corrections Mental Health Service to exempt Plaintiff Harper from the Michigan Sex Offender Program presently housed at Bellamy Creek Correctional Facility with all deliberate speed.

C) That by appropriate order, the Court issue a lien on all Defendants financial assets until final disposition of this case;

D) Retain jurisdiction of the matter, and appoint a master to supervise the implementation of this order;

Award to Plaintiff Twenty-Thousand Dollars (20,000.00) as compensatory damages from Defendants Unknown Arkesteyn, Unknown Foster, Unknown Egbuchulum, and Unknown Thompson.

Award to Plaintiff Twenty-Thousand Dollars (20,000.00) as punitive damages from Defendants Arkesteyn, Unknown Foster, Unknown Stevenson, Unknown Egbuchulum, and Unknown Thompson.

Award to Plaintiff Twenty-Thousand Dollars (20,000.00) AS Mental Anguish from Defendants Unknown Arkesteyn, Unknown Foster, Unknown Stevenson, Unknown Egbuchulum, and Unknown Thompson.

Award to Plaintiff Twenty-Thousand Dollars (20,000.00) AS Emotional Distress from Defendants Unknown Arkesteyn, Unknown Foster, Unknown Stevenson, Unknown Egbuchulum, and Unknown Thompson.

Award to Plaintiff Twenty-Thousand Dollars (20,000.00) AS Defamation from Defendant Unknown Thompson.

Allow to Plaintiff his costs, fees, and any additional relief this Court deems just and proper.

I declare that the statements above ARE true to the best of my information, knowledge and belief.

Respectfully Submitted,
Allie L. Hanger Jr

Exhibit A

Step III Grievance Response

WILLIE HARPER IBC 932428

6-123-T

18040387

Grievant alleges he is inappropriately being recommended for the Michigan Sex Offender Program.

All relevant information within the electronic medical record has been reviewed. Step I and Step II appropriately addressed this grievance and are affirmed at the Step III appeal. As noted, placement into the MSOP is based upon a number of criteria. Your disagreement is not support for a violation and one has been identified.

Grievance appeal denied.

Response of Bureau of Health Care Services

Date: 10/11/2018

Approved: R. Harbaugh RN
R. Harbaugh, RN

Date: 10/12/18

Richard D. Russell

Richard D. Russell Manager, Grievance Section Office of Legal Affairs

OCT 19 2018

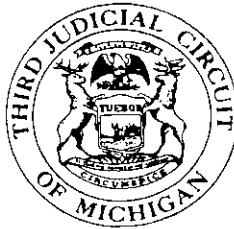
Date Mailed

Ref. # 28349

C: Warden - MCF

Regional Health Care Administrator
Grievant

Northern



THIRD JUDICIAL CIRCUIT
OF MICHIGAN

BRUCE U. MORROW
CIRCUIT COURT JUDGE

FRANK MURPHY HALL OF JUSTICE
1441 ST. ANTOINE
DETROIT, MICHIGAN 48226

(313) 224-0415
FAX (313) 967-6785

September 4, 2018

Willie E. Harper, Jr.
Inmate #932428
Bellamy Creek Correctional Facility
1727 W. Bluewater Highway
Ionia, MI 48846

RE: People v Willie E. Harper, Jr.
Case No. 17-007857-01-FH

Dear Mr. Harper:

Your Motion lacks specific claims as to what is inaccurate on your presentence report. I am returning your Motion without ruling on it.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce U. Morrow".

Bruce U. Morrow
Third Circuit Court Judge

BUM/kl

Enclosure(s)

Exhibit C



THE THIRD JUDICIAL CIRCUIT
OF MICHIGAN

BRUCE U. MORROW
CIRCUIT COURT JUDGE

FRANK MURPHY HALL OF JUSTICE
1441 ST. ANTOINE
DETROIT, MICHIGAN 48226

(313) 224-0415
FAX (313) 967-6785

Willie E. Harper, Jr.
Inmate #932428
Bellamy Creek Correctional Facility
1727 W. Bluewater Highway
Ionia, MI 48846

Dear Mr. Harper:

Please find enclosed, this Court's Order Denying your Renewed Motion to Correct Presentence Report.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bruce U. Morrow".

Bruce U. Morrow
Third Circuit Court Judge

BUM/va

Enclosure(s)

MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE FORM4835-4247 10/94
CSJ-247A

Date Received at Step I

11/9/18

Grievance Identifier:

IBC 1811 2702 172

Be brief and concise in describing your grievance issue. If you have any questions concerning the grievance procedure, refer to PD 03.02.130 and OP 03.02.130 available in the prison Law Library.

Name (print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
Willie Harper	932428	IBC	11102/18	11/02/18	11/04/18

What attempt did you make to resolve this issue prior to writing this grievance? On what date? I attempted
 If none, explain why. to speak with Ms. Thompson requesting an
Administrative hearing because I'm not a sex offender.
Ms. Thompson became combative when I told her that I've
been falsely identified as a sex offender.

State problem clearly. Use separate grievance form for each issue. Additional pages, using plain paper, may be used.

Four copies of each page and supporting documents must be submitted with this form. The grievance must be submitted to the Grievance Coordinator in accordance with the time limits of OP 03.02.130.

Ms. Thompson violated P.D. 02.03.100 L. Conduct Unbecoming of An Employee when she became combative. Ms. Thompson also violated P.D. 01.04.110 Administrative Rules, Policies, and Procedure when she labeled a sex offender. In doing so, resulted in defamation of my character and character assassination in violation of P.D. 02.03.107. It is clearly reflected in my PSI that the 6 counts 3rd degree CSC were dismissed and there is no prior history of sexual deviancy on my criminal record.

Willie Harper
 Grievant's Signature

RESPONSE (Grievant Interviewed? ☒ Yes ☐ No If No, give explanation. If resolved, explain resolution.)

- See Attached Response -

Respondent's Signature

Respondent's Name (Print)

Date

Working Title

Reviewer's Signature

Reviewer's Name (Print)

Date

Working Title

Date Returned to
Grievant:

12/10/18

If resolved at Step I, Grievant sign here.

Resolution must be described above.

Grievant's Signature

Date

DISTRIBUTION: White, Green, Canary, Pink -- Process to Step One; Goldenrod -- Grievant

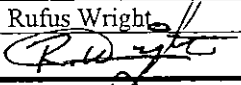
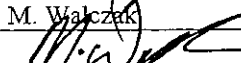
(21)

D

MICHIGAN DEPARTMENT OF
CORRECTIONS

CSJ-247S - DRAFT 7/9/2018

STEP I GRIEVANCE RESPONSE SUPPLEMENTAL FORM

Grievance #:	IBC-18-11-272-17Z	Prisoner Interviewed:	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	IF NO INTERVIEW, GIVE REASON:	
Prisoner Name:	Harper				
Prisoner #:	932428				
Lock/Location:		Extension Granted:			
6-123-T		YES: <input type="checkbox"/>	NO: <input type="checkbox"/>	If "YES" end date:	
COMPLAINT SUMMARY:					
<p>Grievant claims PC Thompson became combative and labeled him a sex offender on 11/2/18. Grievant stated someone named Ms. Stevenson from MCF did this to him. Grievant wants to be removed from HU-6.</p>					
INVESTIGATION SUMMARY:					
<p>During my investigation of this grievance I interviewed PC Thompson and she stated she did say Harper is a sex offender and all sex offenders are housed in housing unit 6. PC Thompson denied calling the grievant a predator.</p> <p>I was unable to find any creditable evidence to support/verify the grievant's claim that PC Thompson called him a predator.</p>					
APPLICABLE POLICY, PROCEDURE, ETC.:					
<p>PD-03.02.130 Prisoner/Parolee Grievances PD-03.03.130 Humane Treatment & Living Conditions for Prisoners</p>					
DECISION SUMMARY:					
<p>Grievant concerns were investigated and I found no credible evidence to verify his claims. This grievance is denied at step I.</p>					
As reported on CSJ-247A Step I Prisoner/Parolee Grievance Form:		RESOLVED:	<input type="checkbox"/>	PARTIALLY RESOLVED:	<input type="checkbox"/>
				DENIED:	<input checked="" type="checkbox"/>
RESPONDENT NAME:	Rufus Wright	TITLE:	RUM		
RESPONDENT SIGNATURE:		DATE:	11/19/18		
REVIEWER NAME:	M. Walczak	TITLE:	ADW		
REVIEWER SIGNATURE:		DATE:	12-1-18		

Distribution: Original - Step I Grievance Coordinator Copies - 2 To Grievant

(22)

Date Received by Grievance Coordinator
 at Step II 12-17-18

Grievance Identifier

IBC 1811 2702 172

INSTRUCTIONS: THIS FORM IS ONLY TO BE USED TO APPEAL A STEP I GRIEVANCE.

The white copy of the Prisoner/Parolee Grievance Form CSJ-247A (or the goldenrod copy if you have not been provided with a Step I response in a timely manner) MUST be attached to the white copy of this form if you appeal it at both Step II and Step III.

If you should decide to appeal the Step I grievance response to Step II, your appeal should be directed to: M. Vroman
 Step I Grievance Coordinator by 1/3/19. If it is not submitted by this date, it will be considered terminated.

If you should decide to appeal the response you receive at Step II, you should send your Step III Appeal to the Director's Office, P.O. Box 30003, Lansing, Michigan, 48909

Name (first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
<u>Willie Harper</u>	<u>932428</u>	<u>IBC</u>	<u>M-3-258T</u>	<u>12/10/18</u>	<u>12/19/18</u>

STEP II - Reason for Appeal Rum Wright violated PD 03.03.100 Conduct Unbecoming of An Employee by Altering my statement from SEX OFFENDER to predator. Ms. Thompson even admits to calling me a SEX OFFENDER as reflected in the investigation summary. I'm not a convicted sex offender nor I'm I serving a sentence for crimes listed in 750.520. So, therefore, Ms. Thompson was in direct violation when she referred to me as a sex offender

STEP II - Response

Date Received by
 Step II Respondent:
12-17-18

See attached.

T. TRIERWEILER
 Respondent's Name (Print)

Tom Trierweiler
 Respondent's Signature

1-3-19
 Date

Date Returned to
 Grievant:
1/3/19

STEP III - Reason for Appeal By labeling me a sex offender violated the Fifth, Eighth, and the Fourteenth Amendment of the U.S Constitution of Due Process and Equal protection clause. I'm not a sex offender as set forth in 750.520 Ms. Thompson and Rum Wright have as a collective body violated my constitutional rights

NOTE: Only a copy of this appeal and the response will be returned to you.

STEP III - Director's Response is attached as a separate sheet.

If you find the Step III Director's response unsatisfactory, you have the option of referring the grievance to the Office of Legislative Corrections Ombudsman, 4th Floor, Capitol Hall, 115 W. Allegan, Lansing, Michigan, 48913.

DISTRIBUTION: White - Central Office; Green - Canary - Step III; Pink - Step II; Goldenrod - Grievant

(23)

Step II Appeal Response

Grievance Identifier: IBC 18-11-2702-17Z

Name: Harper

Number: 932428

Institution: IBC

Lock: 3-258 T

Response: Step I response by RUM R. Wright is both adequate and appropriate to address the allegations or concerns presented in the grievance.

Prisoner Harper's appeal provides neither evidence nor information that substantiates his allegations.

Grievance denied.

Tony Trierweiler, Warden

Respondent's Name

Tony Trierweiler

Respondent's Signature

1-3-19

Date



**Office of Legislative
Corrections Ombudsman**

**Keith Barber
Ombudsman**

P.O. Box 30036
Lansing, MI 48909
(Office) 517-373-8573
(Fax) 517-373-5550
Ombudsman.legislature.mi.gov

January 22, 2019

Willie Harper 932428
IBC
1727 W. Bluewater Hwy
Ionia, MI 48846

RE: Complaint submitted to the Ombudsman

Dear Mr. Harper:

We have received the complaint you submitted to the Office of Legislative Corrections Ombudsman. This letter is to notify you that the Ombudsman is declining to investigate your complaint at this time. We have reviewed your complaint/grievance, and the responses provided to you appear to be reasonable and not in violation of Department policy.

Public Act 46 of 1975, as amended, created the Ombudsman's office. The law states that a person is not entitled as a right to be heard by the Ombudsman, and that the Ombudsman is not required to conduct an investigation on a complaint.

I am sorry our response could not be more favorable at this time.

Sincerely,


Keith Barber
Ombudsman

Enclosure

F4

CHRISTOPHER M. MURRAY
CHIEF JUDGE
JANE M. BECKERING
CHIEF JUDGE PRO TEM
DAVID H. SAWYER
MARK J. CAVANAGH
KATHLEEN JANSEN
JANE E. MARKEY
PATRICK M. METER
KIRSTEN FRANK KELLY
KAREN FORT HOOD
STEPHEN L. BORRELLO
DEBORAH A. SERVITTO
ELIZABETH L. GLEICHER
CYNTHIA DIANE STEPHENS



State of Michigan
Court of Appeals
Detroit

MICHAEL J. KELLY
DOUGLAS B. SHAPIRO
AMY RONAYNE KRAUSE
MARK T. BOONSTRA
MICHAEL J. RIORDAN
MICHAEL F. GADOLA
COLLEEN A. O'BRIEN
BROCK A. SWARTZLE
THOMAS C. CAMERON
JONATHAN TUKEL
ANICA LETICA
JAMES ROBERT REDFORD
JUDGES
JEROME W. ZIMMER JR.
CHIEF CLERK

March 15, 2019

HARPER WILLIE EDWARD JR #932428
BELLAMY CREEK CORR FACILI
1727 W BLUEWATER HWY
IONIA MI 48846

RE: PEOPLE OF MI V WILLIE EDWARD HARPER JR
Court of Appeals No. 347623
Lower Court No. 17-007857-01-FH

Dear Sir or Madam:

The above captioned matter has been filed in this office and the Prosecutor has been given 28 days from the date of this letter to file a response. At that point, provided it is not defective, it will be eligible for submission to a three-judge panel. Due to our backlog, it normally takes several months, even if a motion for immediate consideration has been filed, before a determination is made by the assigned panel of judges. You will receive a copy of their order from this office after they have rendered their decision.

Very truly yours,

Office of the Clerk

/CLK

DETROIT OFFICE
CADILLAC PLACE
3020 W. GRAND BLVD. SUITE 14-300
DETROIT, MICHIGAN 48202-6020
(313) 972-5678

TROY OFFICE
COLUMBIA CENTER
201 W. BIG BEAVER RD. SUITE 800
TROY, MICHIGAN 48064-4127
(248) 524-8700

GRAND RAPIDS OFFICE
STATE OF MICHIGAN OFFICE BUILDING
350 OTTAWA, N.W.
GRAND RAPIDS, MICHIGAN 49503-2349
(616) 456-1167

LANSING OFFICE
925 W. OTTAWA ST.
P.O. BOX 30022
LANSING, MICHIGAN 48909-7522
(517) 373-0786

United States District Court
Eastern District OF Michigan

Willie E. Harper Jr #932428
Plaintiff

Court no. _____

vs.

Unknown Arkesteyn,
Unknown Foster, Et Al

PROFF OF SERVICE

The undersigned states that on April 8, ~~2019~~ 2019, He served a true copy of Prisoner Civil Right Complaint under 42 U.S.C. § 1983 on Michigan Attorney General, 7th Floor, Law Building 525 West Ottawa Street Lansing Michigan 48903 and United States District Court, Theodore Levin U.S. Courthouse, 231 W. LAFAYETTE Blvd, Detroit, Michigan 48266, by placing a copy of these documents in a sealed envelope with first class postage fully prepaid, properly addressed, and depositing said documents in the United States mail.

I declare that the foregoing state

ie E. Harper Jr #932428
Creek Correctional Facility
West Bluewater Highway
Michigan 48846

(K's)

4/16/19

RECEIVED
APR 16 2019
CLERK'S OFFICE
U.S. DISTRICT COURT

United States District Court
Theodore Levin U.S. Courthouse
231 W. Lafayette Blvd.
Detroit, Michigan 48226

CIVIL COVER SHEET FOR PRISONER CASES

Case No. <u>19-11106</u> Judge: <u>Arthur J. Tarnow</u> Magistrate Judge: <u>David R. Grand</u>	
Name of 1st Listed Plaintiff/Petitioner: WILLIE E. HARPER JR.	Name of 1st Listed Defendant/Respondent: UNKNOWN ARKESTEYN, ET AL
Inmate Number: 932428	Additional Information:
Plaintiff/Petitioner's Attorney and Address Information: 	
Correctional Facility: Bellamy Creek Correctional Facility 1727 West Bluewater Highway Ionia, MI 48846 IONIA COUNTY	

BASIS OF JURISDICTION

- ☐ 2 U.S. Government Defendant
☒ 3 Federal Question

ORIGIN

- ☒ 1 Original Proceeding
☐ 5 Transferred from Another District Court
☐ Other:

NATURE OF SUIT

- ☐ 530 Habeas Corpus
☐ 540 Mandamus
☒ 550 Civil Rights
☐ 555 Prison Conditions

FEE STATUS

- ☒ IFP *In Forma Pauperis*
☐ PD Paid

PURSUANT TO LOCAL RULE 83.11**1. Is this a case that has been previously dismissed?**

- ☐ Yes ☒ No

➤ If yes, give the following information:

Court: _____
 Case No: _____
 Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

- ☐ Yes ☒ No

➤ If yes, give the following information:

Court: _____
 Case No: _____
 Judge: _____